

Appl. No. 10/052,666
Amdt. Dated Oct. 27, 2003
Reply to Office Action of July 25, 2003

Remarks

Double Patenting Rejection

Claims 1-10 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over copending Application No. 10/052,281. The Examiner states claim 1 defines the opening for admitting an entrance of the fiber, and claims 1 and 10 of the '281 application also define the elliptical opening receiving the fiber. The Examiner believes that even though the invention does not claim the shape of the opening, it still claims the essentially same matter. Applicant respectively traverses it.

In order to overcome the obviousness-type double patenting rejection, Applicant has amended claim 1 to define over the '281 application. The non-obviousness between claims 1-10 of the instant application and the claims of the '281 patent includes the two following reasons.

- (I) The amended claim 1 defines the gasket, other than the portion having the opening therein, is deformed to fill the ringed channel. Oppositely, in the '281 application, the deformation occurs on the portion with opening therein, so that the pressure applied by the gasket and acting against the fiber clamp is uniformly the same all around the circumference of the fiber clamp.
- (II) The "elliptical" shape of the opening defined in the '281 application is unobvious over the non-specific opening defined in claims 1-10. Attachment of this paper is the copy of page 2 of "Notice of

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Allowance" of the '281 application issued on July 1, 2003, in which referring to lines 5-9 thereof, the Examiner of the '281 application points out that the "elliptical" shape of the opening is unobvious over the regular round opening which is disclosed in the prior art and also is disclosed in the instant application.

In conclusion, the instant application refers to the deformation occurring mainly on portions other than the opening portion where the fiber clamp extends through, while the '281 application refers specifically to that of the "elliptical" opening portion where the fiber clamp extends through. They are different from each other and have unobvious and different scope of the claims. Thus, there is no double patenting.

The subject application is believed to be in a condition for allowance and an action to such effect is earnestly solicited.

Respectfully submitted,

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B.

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Application/Control Number: 10/052,281
Art Unit: 2874

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Attachment
for 10/052,666
response.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Claims 1-18 were originally identified as containing allowable subject matter but objected to for containing informalities. The amendment has obviated the examiner's objections, and the claims are allowed.

Claim 19, as amended, is also allowed. As argued by the applicant, the ellipse shaped openings in the gasket amount to more than a mere change in shape, because it resolves problems of assymmetric stress, and causes the force on the gasket to be more uniform. The amendments serve to alleviate further objections raised by the examiner. Claim 20 is dependent from claim 19, and is also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A Knauss whose telephone number is (703) 305-5043. The examiner can normally be reached on 9-6 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (703) 308 - 4819. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.